

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:09-CR-128-BO-3

UNITED STATES OF AMERICA,)
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)
)
v.) **O R D E R**
)
)
WESLEY CRAIG HICKMAN,)
)

This matter is before the Court on Defendant Wesley Craig Hickman's pro se motion to reduce sentence. For the foregoing reasons, Mr. Hickman's motion is denied.

DISCUSSION

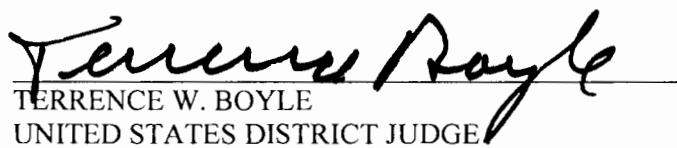
On or about October 21, 2009, Mr. Hickman was sentenced to 120 months' imprisonment after pleading guilty, pursuant to a written plea agreement, to one count of possession of methamphetamine in violation of 21 U.S.C. §§ 841(c)(1) and 2. Due to his cooperation in the case, the government moved for a sentence reduction pursuant to U.S.S.G. § 5K1.1. The Court granted the reduction and imposed a total sentence of 120 months. On May 3, 2012, the Court further reduced Mr. Hickman's sentence to 80 months, pursuant to a motion filed by the government under Federal Rule of Criminal Procedure 35(b). Mr. Hickman subsequently filed a motion pursuant to 18 U.S.C. § 3582 for retroactive application of the crack cocaine sentencing guidelines. That motion was denied on October 16, 2013, because defendant's offense of conviction did not involve crack cocaine.

On September 16, 2014, defendant wrote a letter to the Court asking for an 18-month reduction in his sentence. He alleged that his mandatory minimum sentence punished him more harshly than defendants convicted of crack cocaine offenses and precluded him from receiving time off his sentence for completing certain programs in the Bureau of Prisons. The clerk filed the letter as a motion for sentence reduction. Because Mr. Hickman was not subject to any mandatory minimum sentence and because defendant's motion does not articulate any legal basis for a further reduction in his sentence, the Court is without power to grant the relief he requests.

Based on the foregoing, defendant's motion to reduce sentence is DENIED.

SO ORDERED.

This the 3 day of September, 2014.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE